IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 23270 of 2007(T)

PETITIONERS:

---

1. D.CHANDRASENAN NAIR,
   'VRINDAVAN', UPPALAM ROAD, VANCHIYOOR,
   THIRUVANANTHAPURAM.

2. D.RAGHOOTHAMAN NAIR,
   'PANKAJ VIHAR', UPPALAM ROAD, VANCHIYOOR,
   THIRUVANANTHAPURAM.

3. D.EASWARA CHANDRAN NAIR,
   'PANKAJ VIHAR', UPPALAM ROAD, VANCHIYOOR,
   THIRUVANANTHAPURAM.

4. P.SOBHA KUMARI,
   'PANKAJ VIHAR', UPPALAM ROAD,
   VANCHIYOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.MURALI PURUSHOTHAMAN
SRI.DEEPU LAL MOHAN

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY
   THE PRINCIPAL SECRETARY TO GOVERNMENT,
   REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

3. THE REVENUE DIVISIONAL OFFICER,
THIRUVANANTHAPURAM.

4. THE ADDITIONAL TAHSILDAR,
THIRUVANANTHAPURAM.

5. THE VILLAGE OFFICER,
ATTIPRA, THIRUVANANTHAPURAM.

6. THE THIRUVANANTHAPURAM CORPORATION,
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM.

R1 TO R5 BY SR. GOVT. PLEADER SRI. K.J. MOHAMMED ANZAR.
R6 BY SC SRI. N. NANDAKUMARA MENON.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

- -

WP.(C) No. 23270 of 2007

- -

Dated this the 14th day of August, 2007

JUDGMENT

Petitioners challenge Exts.P14 to P21. It is not in dispute that the petitioners have an alternate remedy against the impugned proceedings under the Land Conservancy Act. The main contention of the petitioners is that the property in question belongs to the petitioners. He further contends that in case it is found to be kayal puramboke the property is vested with the respondent Corporation, the respondent Corporation can take action and action under the Land Conservancy Act is not warranted. This is a question which the petitioners can raise before the authorities under the Land Conservancy Act and if such a contention is raised by the petitioners, certainly the authority will consider the same and take a decision in accordance with law.

In such circumstances, I relegate the petitioners to pursue the alternate remedy available to the petitioners under law. Interim order will continue for a period of one month from today and thereafter it is for the petitioners to seek interim relief before the authority.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

sb